

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JEROME K. HAMILTON,

Plaintiff,

V.

FAITH LEAVY, *et al.*

Defendants.

Civil Action No. 94-336-GMS

ORDER

On June 23, 1999, the court issued an order which required defense counsel to explain the basis for a recent opposition to a motion to amend. In response, counsel stated that the opposition was intended primarily to preserve the issue for further appeals.

A party may raise arguments which were previously rejected by the court in order to preserve the record for appeal. See, e.g., *Gilmore v. Shearson/Am. Express*, 811 F.2d 108, 111-12 (2d Cir. 1987); *Estate of Blas ex rel. Charqualaf v. Winkler*, 792 F.2d 858, 861 n.4 (9th Cir. 1986). For this reason, the court finds good cause for the opposition and concludes that the imposition of sanctions is not warranted.

IT IS SO ORDERED.

Date: 10/15/99

UNITED STATES DISTRICT JUDGE